

## **REMARKS**

### **THE PENDING CLAIMS**

The indication by the examiner that claims 8, 10-16 and 26-28 contain allowable subject matter is acknowledged with thanks. Claims 1-36 were pending in this application, claims 2, 4, 6-12, 14 and 16 have been canceled, various claims amended and claims 37-46 added. Accordingly, claims 1, 3, 5, 13, 15 and 17-46 remain pending in this case. Reconsideration and allowance of the presently pending claims is solicited by the applicant in view of the following amendments and remarks.

### **THE FIRST ANTICIPATION REJECTION**

Claims 24, 25 and 30 stand rejected under 35USC1.102(b), allegedly as being anticipated by US Patent 6,400,972 (the '972 patent). This rejection is traversed.

The '972 patent is different from the claimed system, and fails to suggest all its critical features. The '972 patent describes and claims a system that comprises a pressurizing assembly, a measuring probe and other components. The prior art system, however, differs from the claimed system. Applicant's system contains critical features described in claim 24 that set it apart from the art of record. Moreover, nowhere does the '972 patent suggest the critical features of the claimed system.

Claims 24, 25 and 30 are directed to a system that the applicant believes to be fully patentable over the art of record. In addition, the applicant has added features previously contained in claim 26, which the examiner himself has found allowable.

In view of the above the above rejection is believed to be moot, and the examiner is invited to withdraw it.

### **THE SECOND ANTICIPATION REJECTION**

Claims 24, 25 and 32-35 stand rejected under 35USC1.102(e), allegedly as being anticipated by US Patent 6,587,704 (the '704 patent). This rejection is also traversed.

The '704 patent to Fine et al, including one of the present inventors, is different from the claimed system, and fails to suggest all the present critical features. The '704 patent discloses a system that has similar, although critically different, components. Applicant's system of claim 24 contains critical features that set it apart from the prior patent. Moreover, nowhere does the '704 patent suggest the critical features of the claimed system.

Claims 24, 25 and 32-35 are directed to a system that is fully patentable over the art of record. In addition, the applicant has added features previously contained in claim 26, which the examiner himself has found allowable.

In view of the above amendments and remarks, the above rejection is believed to be moot, and the examiner is invited to withdraw it.

### **THE THIRD ANTICIPATION REJECTION**

Claims 1, 3 and 18 stand rejected under 35USC1.102(b), allegedly as being anticipated by US Patent 5,582,179 (the '179 patent) to Shimizu. This rejection is traversed.

The '179 patent is different from the claimed non-invasive method for blood testing, and fails to suggest all the critical features of the method. The '179 patent relates to a method that has similar, although critically different, steps. Applicant's method of claim 1 contains critical features that set it apart from the method of the '179 patent. IN addition, the '179 patent fails to suggest the critical features of the claimed method.

Claims 1, 3 and 18 are directed to a detection method that is fully patentable over the method of the '179 patent. In addition, the applicant has added features to claim1's steps previously contained in claim 8, which was found allowable by the examiner. In view of the above this rejection is believed to be moot, and the examiner is invited to withdraw it.

### **THE FOURTH ANTICIPATION REJECTION**

Claims 1-7, 9, 17-18, 24-25 and 29-31 stand rejected under 35USC1.102(b), allegedly as being anticipated by US Patent 5,642,734 to Ruben (the '734 patent). This rejection is traversed as well.

The '734 patent differs from the claimed testing method and system, and fails to suggest all their critical features. The '734 patent describes a method and system that have similar, although critically different, steps and components. Applicant's claimed method and system contain critical features that set them apart from those of the '734 patent. In fact, nowhere does the '734 patent suggests the critical features of the claimed method and system.

The applicant believes that claims 1-7, 9, 17-18, 24-25 and 29-31 are directed to a method and system that are fully patentable. In addition, the applicant has added features previously contained in claim 8, and additionally or in the alternative of claims 10 and 11, all of which the examiner found allowable. This rejection is believed to be moot, and the examiner is invited to withdraw it.

### **THE FIFTH ANTICIPATION REJECTION**

Claims 1, 3, and 18-23 stand rejected under 35USC1.102(e), allegedly as being anticipated by US Patent 6,285,894 (the '894 patent). This rejection is also emphatically traversed.

The '894 patent differs from the claimed system, and fails to suggest all the present critical features. The '894 patent discloses a method that although having similar, has critically different, steps. Applicant's method of claim 1 contains critical requirements setting it apart from the method employed by the prior patent. If anything, the '894 patent could be said to teach away from the critical claimed features. Nowhere does the '894 patent suggest the critical features of the claimed method. Claims 1, 3, and 18-23 are directed to a method that the applicant believes is fully patentable over the art of record. In addition, the applicant has added features previously contained in claim 8, and additional or alternative features of claims 10 and 11, all of which were found patentable by the examiner.

In view of the above the rejection over the '984 patent is believed to be moot, and the examiner is invited to withdraw it.

### **THE OBVIOUSNESS REJECTION**

Claims 24-25, 30-31 and 36 stand rejected under 35USC1.103(a), allegedly as being unpatentable over US Patent 5,827,181 (the '181 patent) in view of US Patent 6,039,884 (the '884 patent), and further in view of US Patent 5,111,817 (the '817 patent). This rejection is emphatically traversed.

The '181 patent is different from the claimed invention, and fails to describe or suggest all elements of the claimed system. Nowhere does the '181 patent alone or in combination with the '884 patent and/or the '817 patent describe or suggest the critical features of the claimed system. The applicant believes claim 24 to be fully patentable in view of its critical components. Moreover, claim 24 now has incorporated into its language the features of claims 26, already found patentable by the examiner. A person skilled in the art would not consider using the disclosures of the '884 and/or '817 patents to cure the deficiencies of the '181 patent. If anything the art teaches away from so doing. In view thereof, the examiner is invited to withdraw this rejection.

### **THE OBJECTED TO CLAIMS**

Claims 8, 10, 11-16 and 26-28 stand objected to, as being dependent on a rejected claim.

The indication by the examiner that claims 8, 10, 11-16 and 26-28 are solely objected to because they depend from a rejected claim, is acknowledged with thanks.

The contents of some of these claims have been incorporated into the independent claims from which they depend, and should be allowable as well.

#### **THE NEW CLAIMS**

Newly added claims 37-46 are directed to a blood detection system provided with features already found allowable by the examiner. The contents of dependent claims 38-46 corresponds to that of original claims 27 and 29-36 and is, therefore, fully supported by the specification as filed, and by the original claims..

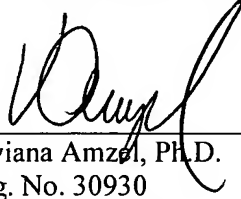
#### **THE AMENDMENTS TO THE CLAIMS**

The amendments to the claims are fully supported by the specification as filed, and by the original claims. No objectionable new matter is believed to have been introduced by the present amendments. A sheet with a clean set of claims is attached for the examiner's convenience.

Should there remain any unresolved issues, the examiner is requested to contact the applicant's attorney to address them by means of an interview. The applicant truly believes the present claims to be in full condition for allowance. Early notice to that effect is earnestly solicited.

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